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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 LEON JOHNSON,
15 Defendant.

Case No. 2:15-CR-220-JCM-VCF

STIPULATION TO CONTINUE
TRIAL DATES

(Eighth Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
17 United States Attorney, and Kilby C. Macfadden., Assistant United States Attorney, counsel
18 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Paul
19 Riddle, Assistant Federal Public Defender, counsel for Leon Johnson, that the calendar call
20 currently scheduled for Wednesday, February 22, 2017 at 1:30 p.m., and the trial currently
21 scheduled for, Monday, February 27, 2017 at 9:00 a.m., be vacated and set to a date and time
22 convenient to this Court, but no sooner than sixty (60) days.

23 This Stipulation is entered into for the following reasons:

- 24 1. The client is in custody and does not oppose the continuance.
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1 2. Since the filing of the previous stipulation, counsel for the defendant has been
2 diligent in trial preparation, as well as attempts to negotiate a resolution acceptable to the
3 defendant.

4 3. Defense counsel seeks additional time to continue the process of consulting with
5 an expert.

6 4. Pending the report from the expert, additional time will be needed to prepare for
7 trial.

8 5. The additional time requested herein is not sought for purposes of delay.

9 6. Denial of this request for continuance would deny counsel for the defendant
10 sufficient time to effectively and thoroughly prepare, taking into account the exercise of due
11 diligence.

12 7. Additionally, denial of this request for continuance could result in a miscarriage
13 of Justice. The additional time requested by this Stipulation is excludable in computing the
14 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
15 United States Code, § 3161(h)(7)(A), considering the factors under Title 18, United States Code
16 §§ 3161(h)(7)(B)(i) and (B)(iv).

17 8. This is the Eighth stipulation to continue trial filed herein.

18 DATED this 17th day of February, 2017.

19 RENE L. VALLADARES
20 Federal Public Defender

 DANIEL G. BOGDEN
 United States Attorney

21 By: /s/ Paul Riddle
22 PAUL RIDDLE,
23 Assistant Federal Public Defender

 By: /s/ Kilby C. Macfadden
 KILBY C. MACFADDEN,
 Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEON JOHNSON,

Defendant.

Case No. 2:15-CR-220-JCM-VCF

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The client is in custody and does not oppose the continuance.
2. Since the filing of the previous stipulation, counsel for the defendant has been diligent in trial preparation, as well as negotiations.
3. Defense counsel seeks additional time to continue the process of consulting with an expert.
4. Pending the report from the expert, additional time will be needed to prepare for trial.
5. The additional time requested herein is not sought for purposes of delay.
6. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly prepare, taking into account the exercise of due diligence.
7. Additionally, denial of this request for continuance could result in a miscarriage of Justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, § 3161(h)(7)(A), considering the factors under Title 18, United States Code

1 §§ 3161(h)(7)(B)(i) and (B)(iv).

2 For all of the above-stated reasons, the ends of justice would best be served by a
3 continuance of the motion and trial dates.

4 **CONCLUSIONS OF LAW**

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6 The ends of justice served by granting said continuance outweigh the best interest of the
7 public and the defendant in a speedy trial, since the failure to grant said continuance would be
8 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
9 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
10 account the exercise of due diligence.

11 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
12 United States Code, § 3161 (h)(7)(A), when considering the facts under Title 18, United States
13 Code, §§ 3161(h)(7)(B)(i) and (B)(iv).

14 **ORDER**

15 IT IS THEREFORE ORDERED, that the calendar call currently scheduled for
16 Wednesday, February 22, 2017 at 1:30 p.m., be vacated and continued to **Wednesday, May 17,**
17 **2017 at 1:30 p.m.**; and the trial currently scheduled for, Monday, February 27, 2017 at 9:00
18 a.m., be vacated and continued to **Monday, May 22, 2017 at 9:00 a.m.**

19 **FINAL CONTINUANCE! COUNSEL WILL BE READY TO PROCEED TO TRIAL**
20 **IN THIS CASE ON MONDAY, MAY 22, 2017, AT 9:00 A.M. WITH CALENDAR**
CALL ON WEDNESDAY, MAY 17, 2017, AT 1:30 P.M.

21 DATED February 21, 2017.

22 
23 UNITED STATES DISTRICT JUDGE
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